REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Amendments and Support for Same

By the Response, claim 1 has been amended to more particularly point out and distinctly claim the subject matter of the invention. New dependent claim 28 has been added to further complete the scope of protection to which Applicant is entitled. No new matter has been added. Accordingly, claims 1-9, 11, and 28 are respectfully submitted for consideration. Approval and entry of the amendments are respectfully requested.

2. Claim rejections under 35 U.S.C. §112, 2nd paragraph

With respect to the objection to claim 11, Applicant has amended the claim to recite features directed to a device. In view of the amendments set forth above, Applicant respectfully requests reconsideration and withdrawal of the objection to claim 11.

3. Rejection under 35 U.S.C. §102(b)

With respect to the rejection of claims 1-4 under 35 U.S.C. §102(b) as being anticipated by Catoe (US 5,022,105), Applicant respectfully traverses the rejection at least for the reason that Catoe fails describe each and every limitation recited in the rejected claims.

As amended, claim 1 further clarifies that the stretcher includes, in addition to a switch for turning the lift mechanism on/off, a deactivation mechanism for turning off the lifting mechanism when the length of part of the stretcher laid on the support platform exceeds a predetermined length.

Applicant respectfully assert that amended claim 1 is generic to claims 2-9, 11, and 28.

In contrast with Applicant's claimed invention, Catoe generally describes a stretcher having a lift mechanism and a switch for the mechanism. However, although Catoe discloses a switch, Catoe fails to disclose any deactivation mechanism. More particularly, Catoe fails to disclose a deactivation mechanism for turning OFF the lifting mechanism to enable the legs to be folded up, when the length of part of the stretcher laid on the support platform exceeds a predetermined length, as recited in amended claim 1.

Consequently, since each and every feature of the present claims is not taught (and is not inherent) in Catoe, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claims 1-4 under 35 U.S.C. §102(b), as anticipated by Catoe is improper.

In view of the amendment and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection of claims 1-4.

4. Rejections under 35 U.S.C. §103(a)

With respect to the rejection of claims 5-9 and 11 under 35 U.S.C. §103(a) as being unpatentable over Catoe in view of Schirmer (US 5,365,622), Applicant respectfully traverses the rejection at least for the reasons set forth above in relation to the §102(b) rejection of independent claim 1 over Catoe, and further for the reason that Catoe and Schirmer, combined or separately, fail to teach, disclose, or suggest all of the limitation recited in the rejected claims.

Schirmer generally describes a stretcher having a lift mechanism. However, similar to Catoe, Schirmer also fails to teach, disclose, or suggest any deactivation for turning off the lifting mechanism when the length of part of the stretcher laid on the support platform exceeds a predetermined length, as recited in amended claim 1.

The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must

be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Further, according to MPEP §2141(I), Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case. The Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated:

> Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.

Moreover, according to MPEP §2141(II), when applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

> (A) The claimed invention must be considered as a whole;
>
> (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
>
> (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
>
> (D) Reasonable expectation of success is the standard with which obviousness is determined.

As Catoe and Schirmer are deficient of at least a deactivation mechanism for turning OFF the lifting mechanism to enable the legs to be folded up, when the length of part of the stretcher laid on the support platform exceeds a predetermined length, Catoe and Schirmer, combined or separately, fails to teach, disclose or suggest all of the features of the rejected claims.

In view of the amendment and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of claims 5-9 and 11.

New claim 28 depends from claim 1, and, therefore, should be allowable for the same reasons set forth above in relation to the rejection of claim 1.

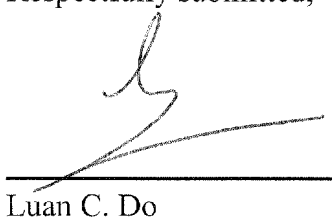
5. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-9, 11, and 28 be allowed and the application be passed to issue.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned

Respectfully submitted,



Luan C. Do
Registration No. 32,815

Studebaker & Brackett PC
1890 Preston White Drive
Suite 105
Reston, Virginia 20191
(703) 390-9051
Fax: (703) 390-1277
Luan.do@sbpatentlaw.com